

Introduced by Senator Soto

February 9, 2004

An act to add Chapter 3.5 (commencing with Section 850) to Division 4 of the Military and Veterans Code, relating to veterans.

LEGISLATIVE COUNSEL'S DIGEST

SB 1193, as introduced, Soto. **Military service: Surviving Spouses and Children Relief Act.**

Existing law provides certain protection for members of the National Guard and reservists called to active duty, as specified, during the period of military service, with respect to, among other things, court proceedings, contract obligations, rental agreements, taxes or assessments, and health or medical insurance.

This bill would require the state to pay a \$10,000 death benefit to the surviving spouse of any member of the California National Guard, State Military Reserve, or Naval Militia who dies or is killed in the performance of duty, as determined by the Military Department. This bill would also provide that the surviving spouse and children of the deceased member shall be considered qualifying members for purposes of obtaining benefits under the National Guard Assumption Program of Loans for Education, and would exempt the spouse and children from paying tuition and fees at any public postsecondary educational institution in this state.

This bill would become operative upon an appropriation by the Legislature for purposes of funding the payments of military benefits, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) The California National Guard, the State Military Reserve, and Naval Militia are military organizations in California that serve essential public safety purposes during periods of great danger, routinely support local authorities in protecting the lives and property of the people of the state during periods of natural disaster and civil disturbance, and provide homeland security.

(b) The California National Guard is routinely tasked by the President to perform dangerous duties in armed conflicts, contingency operations, mobilizations, war, and other emergencies of national significance.

(c) The families of the members of the California National Guard, State Military Reserve, and Naval Militia play a primary role in maintaining the morale and welfare of these organizations and are essential in recruitment and retention of personnel to serve and continue serving.

(d) The families of the members of the California National Guard, State Military Reserve, and Naval Militia endure extraordinary hardships when the member is called to duty by the Governor or the President, and also suffer irreparable harm when the member dies or is killed in the performance of duty.

(e) The Legislature finds and declares that providing relief to surviving spouses and orphans of members of the California National Guard, State Military Reserve, and Naval Militia who die or are killed in the performance of duty furthers a necessary public purpose.

SEC. 2. Chapter 3.5 (commencing with Section 850) is added to Division 4 of the Military and Veterans Code, to read:

CHAPTER 3.5. CALIFORNIA NATIONAL GUARD SURVIVING
SPOUSES AND CHILDREN RELIEF ACT OF 2004

850. (a) The state shall pay a ten thousand dollar (\$10,000) death benefit to the surviving spouse of any member of the California National Guard, State Military Reserve, or Naval Militia who dies or is killed in the performance of duty.

1 (b) The Military Department shall determine if the death
2 occurred in the performance of the member's duty, and shall issue
3 a certificate of benefit eligibility under this section within 20 days
4 of application by the surviving spouse.

5 (c) The state shall pay the death benefit within 10 days of the
6 receipt of the certificate of benefit eligibility from the surviving
7 spouse.

8 851. (a) The surviving spouse and children of the deceased
9 member of the California National Guard, State Military Reserve,
10 or Naval Militia shall be considered qualifying members for the
11 purposes of obtaining benefits under the National Guard
12 Assumption Program of Loans for Education.

13 (b) The surviving spouse and children of the deceased member
14 of the California National Guard, State Military Reserve, or Naval
15 Militia shall be exempt from paying tuition and fees at any public
16 postsecondary education institution in this state.

17 (c) For purposes of this section "deceased member" means
18 any member of the California National Guard, Military Reserve,
19 or Naval Militia who dies or is killed in the performance of duty,
20 as determined by the Military Department.

21 852. This chapter shall become operative upon the operative
22 date of an appropriation by the Legislature for the purpose of
23 funding the payments of military benefits, as required by this
24 chapter.

